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self, and to possess in this Other the identity of himself with himself.

This is the truth, and this truth must constitute one side of what must obtain in the consciousness of man—namely, the substantial, potential side.

More explicitly this may be thus expressed: The contrast is simply Inadequacy. The contrast, the Evil, is the naturalness of human being and willing; it is immediateness; such is naturalness, and with immediateness there is posited also finitude, and this finitude and naturalness are inadequate to the universality of God, which is the strictly free, self-contained, infinite, eternal idea.

This inadequacy is the starting-point which constitutes the feeling of need. It is not a better definition to say that for our consciousness the inadequacy disappears on both sides. The inadequacy is; it is implied in spirituality. Spirit is that which distinguishes and differentiates itself; it is the positing of distinctions.

Since they are differentiated, they are, according to this phase, distinguished and not the same: they are different from and inadequate to each other. This inadequacy cannot disappear; if it did, the primal attribute of spirit [to be subject and object], its ever-active life, would vanish, and it would cease to be spirit.

### HEGEL'S PHILOSOPHY OF THE STATE.

TRANSLATED FROM HEGEL'S "PHILOSOPHY OF SPIRIT," BY EDWIN D. MEAD.

[The numbers of the paragraphs of the original are inserted for convenience of reference.—Editor.]

535. The State is the self-conscious ethical Substance—the union of the principle of the Family and of Civil Society. This same unity exists in the Family as the feeling of love, and is its essence; and this receives, at the same time, the form of self-conscious Universality through the second principle named, viz., the principle of knowledge and self-active Will. This has for its content intelligent subjectivity, inasmuch as its characteristics unfold into cognition; and this is its absolute purpose, so that it will come to exist as rational for itself.

536. The State is (a), in the first place, its own formative process as self-related development—the internal system of political regulations (Staatsrecht), or the form of its Constitution (written and unwritten) (Verfassung). It is (B) particular individual State standing in relation to other individual States—its foreign relations (auessere Staatsrecht). (7) These particular States or nations (national spirits—"Geister") form constituent elements in the process of development of humanity—the development of the World-history (Entwickelung der allgemeinen Idee des Geistes in seiner Wirklichkeit).

## A. The Internal System of Political Regulations.

537. The essence of the State is the Universal in and for itself, the reasonable forms of the Will—as self-knowing and acting, pure subjectivity, and, as reality, one individual. Its work in general, in reference to the extreme of particularity, as the multitude of individuals, is twofold—first, to protect the individuals as persons, consequently to make the Law necessary reality; and next, to promote their welfare, the primary object of the efforts of the individual, but which has a universal side, to guard the Family and to guide Civil Society. Secondly, however, the State must lead back both these and the entire feeling and activity of the individual, inasmuch as the individual strives to be a centre for himself, into the life of the universal Substance, and, in this sense, as free power, rid itself of those spheres subordinate to the universal Substance, and hold them in substantial immanence.

538. The Laws express the determinations of the content of objective Freedom. In the first place, they are limits for the immediate subject, for his independent arbitrary will and particular interest. In the second place, however, they are absolute object and end and the common product of all, and are thus produced by the functions of the various social classes, which, rising from the general division, specialize themselves further, and by all the activity and private care of individuals; and, thirdly, they are the substance of their Will, which is therein free, and of their disposition, and are thus represented as validly determining usage.

539. The State exists, as living Spirit, only as an organ-

ized whole, differentiated into the particular activities, which, proceeding from the one Notion (Begriff) of the rational Will (if not directly known as Notion), continually produce this as their result. The Constitution is this clear expression of the power of the State. It contains the determinations of the way in which the rational Will, so far as it is in the individuals only in itself the universal, comes, on the one hand, to consciousness and understanding of itself, and is found, and, on the other, through the operation of the government and its several branches, becomes realized, and is maintained in reality, and is thus protected as well from the accidental subjectivity of the government as from that of the individuals. It is the existing justice as the reality of freedom in the development of all its rational determinations.

Freedom and Equality are the simple categories which fully sum up that which should constitute the fundamental principle and the final aim and result of the Constitution. True as this is, it is as true that these principles are defective, in the first place, in being entirely abstract; maintained in this form of abstraction, they are what prevent or destroy the concrete—i. e., an articulation into classes within the State, i. e., a Constitution and government in general. With the State appears inequality, the distinction of the governing and the governed, authorities, magistrates, directors, etc. The logical principle of Equality rejects all distinctions, and does not allow the existence of any sort of difference of rank. These [ideas of freedom and equality] are, indeed, fundamental in this sphere, but, as the most abstract, they are the most superficial, and so the most liable to run away with men; it will, therefore, be interesting to consider them somewhat more closely. As concerns Equality, in the first place—the popular idea, that all men are by nature equal-contains the mistake of confounding the natural with the Notion [or the ideal of man]: it must rather be said that by nature men are only unequal. the Notion [ideal] of Freedom, as it exists, in the first place, as such, without further determination and development, is abstract subjectivity as person, competent to possess property; this single abstract determination of personality constitutes the real Equality of men. That this Equality exists, however—that it is man (and not, as in Greece, Rome, etc., some men only) who is acknowledged as person and has legal worth—this is not by nature, but it is rather only the product and result of the consciousness of the deepest principle of Spirit and of the universality and perfection of this consciousness. The proposition that citizens are equal before the law contains a high truth, but, so expressed, it is tautology; for only the lawful condition in general, the fact that the laws rule, is thus expressed. But in reference to the concrete, citizens, aside from personality, are equal before the law only in that in which they are equal otherwise, outside the Only the otherwise accidentally existing equality of fortune, age, physical strength, talent, cleverness, or of crime, etc., however brought about, can and will make possible, in the concrete, an equal treatment before the law-in reference to taxes, military duty, admission to civil offices, etc.—punishment, etc. The laws themselves, save in so far as they concern that narrow circle of personality, presuppose unequal conditions, and define the unequal legal conditions and duties arising from them.

As to Freedom, in the next place—this is taken partly in the negative sense, as opposed to the arbitrariness of others, and illegal dealing, partly in the affirmative sense of subjective Freedom; great breadth is given to this Freedom, as well in regard to individual arbitrariness and activity for one's particular purpose as with reference to the claim of individual insight, participation, and activity in general affairs. Formerly the legally determined rights, as well private rights as the public rights of a nation, city, etc., were called the freedoms of the same. In reality every true law is a freedom, because it contains a rational determination of objective Spirit, consequently a content of freedom. Nothing, however, has been commoner than the idea that the freedom of each individual must be limited in relation to the freedom of others, and that the State is the condition of this mutual limitation, and the laws are the limits. In such conceptions, Freedom appears only as accidental choice or arbitrariness. It has thus been said, also, that Equality is possible only in modern nations, or Equality more than Freedom, and this on no other ground than because it was impossible, with an accepted definition of Freedom (chiefly, the participation of all in the affairs and the business of the State), to deal rightly with the reality, which is more rational and at the same time more powerful than abstract pre-

On the contrary, it is to be said that the high suppositions. development and perfection of modern States produce in reality the greatest concrete inequality of individuals, yet, by the deeper rationality of the laws and the strengthening of the legal condition, make Freedom so much the greater and securer, and can permit and endure it. Even the superficial distinction which lies in the words freedom and equality indicates that the first has a reference to inequality; yet the current, popular Notions of Freedom, on the contrary, lead back only to Equality. But the more Freedom, as the security of property, as the possibility of developing and making available one's talents and good qualities, etc., is strengthened, the more it seems to be a matter of course; the consciousness and the prizing of Freedom are directed to it chiefly in the subjective sense. This subjective Freedom, the Freedom of activity, testing itself on all sides and working according to its own pleasure for particular and for universal, spiritual interests—the independence of individual particularity, as the inner Freedom, in which the citizen has principles, individual insight, and conviction, by which he wins moral independence-contains for itself, on the one hand, the highest development of the specialty of that in which men are unequal. and, through this culture, make themselves still more unequal. and, on the other hand, it grows up only under the condition of that objective Freedom, and has grown and could grow to this height only in the modern States. If with this cultivation of specialty and detail, the multitude of wants, and the difficulty of satisfying them, the popular discussion and discontent, with their unsatisfied conceit, extend themselves indefinitely, this pertains to the exclusive particularity, for which it remains to give itself up to the production in its sphere of all possible complications and to satisfy itself with them. This sphere is, indeed, at the same time, the field of limitations, since Freedom is buried in naturalness, caprice, and arbitrariness, and thus has to limit itself, and this, indeed, according to the naturalness, the pleasure, and the arbitrariness of others, but chiefly and essentially according to rational Freedom.

Concerning political Freedom, however—that is, in the sense of a formal participation of the will in the public affairs of the State and the activity of those individuals who otherwise make the

special purposes and business of Civil Society their principal vocation—it has become somewhat usual to call the Constitution only that side of the State which concerns such a participation of those individuals in public affairs, and to regard a State in which this does not formally have place as a State without a Constitution. Concerning this understanding of it, there is, in the first place, only this to be said, that under the term Constitution the definition of the laws—i. e., the freedoms in general, and the organization of the means of realization of these—are to be understood, and political Freedom can in any case constitute only a portion of the same; of this the following sections will treat:

540. The guaranty of a Constitution—i. e., the necessity that the laws be reasonable and their realization secured—lies in the Spirit of the people as a whole in the definiteness with which it has self-consciousness of its Reason (Religion is this consciousness in its absolute substantiality)—and, secondly, in the real organization conformable to it, as development of that principle. The Constitution presupposes this consciousness of the Spirit, and, vice versa, the Spirit the Constitution, for the actual Spirit itself has the definite consciousness of its principles only so far as they are present to it as existing.

The question to whom, to what authority, and how organized, the power belongs to make a Constitution, is the same as the question who has to make the Spirit of a people. Such a separation of the conception of a Constitution from that of the Spirit, as though this Spirit of the people exists or has existed without possessing a Constitution suitable to it, only proves the superficiality of the thought concerning the connection of the Spirit and of its consciousness of itself with its reality. What is in this way called making a Constitution has never, on account of this inseparableness, occurred in history, just as little as the making of a law-code; a Constitution has only developed itself from the national Spirit coincident with its own development, and with it gone through the degrees of formation and alteration which the Notion [ideal] made necessary. It is the indwelling Spirit and History—and History, indeed, is only its History—by whom Constitutions have been made and are made.

541. The living totality, the maintenance—i. e., the continuous creation and preservation of the State in general and of its

Constitution—is the Government. The naturally necessary organization is the origin of the Family and of the social classes of Civil Society. The Government is the universal part of the Constitution—i. e., that which has for its object the maintenance of Family and Civil Society, but at the same time comprehends and exercises the universal purposes of the whole, which are above the spheres of the Family and of Civil Society. The organization of the Government consists, likewise, in the distribution of its powers, and their functions are determined by the Notion, but interpenetrate each other, in the Notion's subjectivity, and form real unity.

Since the most immediate categories of the Notion are those of universality and individuality, and their relation is that of the subsumption of individuality under universality, it has happened that the legislative and executive powers have arisen in the State, and have become so distributed that the former exists for itself as the supreme; the latter divides itself again into governmental or administrative power and judicial power, according to the application of the laws, whether to general or private affairs. The distribution of these powers has been regarded as the essential correlation, but preserving their independence of one another in existence, and with the connection mentioned of the subsumption of the powers of the particular under the power of the universal. The elements of the Notion are to be recognized in these determinations, but they are connected by the understanding in a relation of unreason instead of to the self-uniting-with-self of living Spirit. That the affairs of the universal interests of the State, in their necessary distinction, are organized also in separation from one another—this division is the one absolute moment of the depth and reality of Freedom; for Freedom has depth only as it has developed into its distinctions and secured their existence.

<sup>&</sup>lt;sup>1</sup> [Notion = Begriff = generic process, involving universality, particularity, and individuality. Hence, to be "offermined by the notion" means to assume the phases of universal, particular, and individual. In the following paragraph this thought is developed:

The Function of Universality is the law-making or legislative power. It makes laws for all. The Function of particularity is the Judicial power. It applies the law in particular exigencies. The Function of Individuality is the executive or administrative power, which sees that the laws and judicial decisions are carried out.—Editor.]

But to make the work of legislation (and this entirely with such an idea as that a Constitution and the fundamental laws were ever first to be made—in a condition where an already existing development of distinctions is supposed) into an independent power, and, indeed, the first power, with the further provision of the participation of all in it, and the governmental power dependent upon this, only its executive—this presupposes the lack of the knowledge that the true Idea, and with it the living and spiritual reality, is the Notion, uniting itself with itself, and, consequently, subjectivity, which contains universality as only one of its moments. dividuality is the first and the highest determination pervading in the organization of the State. Only through the governmental power, and because this includes in itself the special offices (to which also the special, for itself abstract office of legislation itself belongs), is the State one. Thus, here, as everywhere, the es sentially and only true is the rational relation of the logical, as opposed to the external relation of the understanding, which only comes to the subsumption of the individual and particular under That which disorganizes the unity of the logical the universal. and rational likewise disorganizes reality.

542. In the Government as organic totality there exists (a) subjectivity, as the infinite unity of the Notion with itself in development, the all-supporting, decreeing Will of the State, the highest point of the same, the all-penetrating unity, the princely governmental power. In the perfect form of the State, in which all moments of the Notion have attained their free existence, this subjectivity is not a so-called moral person, or a decree proceeding from a majority—forms in which the unity of the decreeing Will has not a real existence, but exists as real individuality, the will of one decreeing individual—Monarchy. The Monarchical Constitution is, therefore, the Constitution of the developed Reason; all other Constitutions belong to lower grades of the development and realization of reason.

The uniting of all concrete State-powers into one existence—as in the Patriarchal condition or, as in the Democratic Constitutution, the participation of all in all affairs—is opposed in itself to the principle of the distribution of powers—i. e., to the developed freedom of the moments of the Idea. But just so surely must the division, the perfection of the moments which had advanced to

free totality, be brought back to ideal unity—i. e., to subjectivity. The complete unfolding, the realization of the Idea, contains essentially this, viz., that this subjectivity as real moment has risen to actual existence, and this actuality is only the individuality of the monarch—the subjectivity of the abstract, final decision, present in one person. To all those forms of a common decreeing and willing which proceed from the atomism of particular wills, democratically or aristocratically, pertains the unreality of an abstraction. All depends on the two determinations, necessity of a moment of the Notion and the form of its reality. The nature of the speculative Notion alone can give a true explanation of the matter. The mentioned subjectivity, since it is the moment of abstract decision in general, on the one hand, causes the name of the monarch to appear as the external bond and the sanction under which generally everything in the government occurs, and, on the other, that it has, as simple relation to self, the determination of immediateness, and thus a natural one, wherewith the providing of the individuals for the dignity of princely power, through heredity, is fixed.1

543. (b) In the *special* governmental power there is, on the one hand, the *division* of the work of the State into its otherwise determined branches, the legislative power, the maintenance of justice or the judicial power, the police, etc., and the consequent allotment of these powers to special authorities, who, instructed

<sup>&</sup>lt;sup>1</sup> This conclusion will not greatly commend itself to the American mind, and the course of reasoning which leads to it must impress most thinkers as crooked and forced. The principle of the division of powers is, indeed, the characteristic of the developed State, but that the division should be determined and maintained by various, independent forces, is opposed to the spirit of Hegel's own admirable remarks, on a subsequent page, upon the collision of the legislative and administrative departments-a collision, I submit, least likely to occur in the State whose legislature and executive are determined by one Will, acting in one way. The Law of Spirit is Freedom, and the Law of Nature is Necessity-and it must strike most unprejudiced minds as incongruous, that Freedom should be most perfect in the State which gains through keeping the Law of Nature-here Heredity-in place of its own self-conscious determination. The development, in Reason and Morality, of the State of which this is true, is certainly not the highest development. Is not this, too, the lesson of History? Has not the Monarchy always succeeded the Republic because of a decline, not a higher development, of the State's Reason and Morality? And has not the development of the State's Reason and Morality been always accompanied by the decline of Heredity and the growth of—"formal Freedom," if you will ?—Tr.

by the laws concerning their work, are, moreover, and for that reason as well, independent in their operation, as at the same time subject to higher supervision; on the other hand is seen the participation of many individuals in the work of the State, who constitute together the class devoted to the common interest, so far as they make work for the common interest the essential vocation of their particular life.

544. (c) The authority which represents the classes of society has to do with a participation of all such as belong to Civil Society in general, and are in so far private persons, in the administration, and, indeed, in legislation, i. e., in the universal phase of interests which do not concern the action of the State as an individual (as in war and peace), and so do not belong exclusively to the nature of the princely power. In virtue of this participation, the subjective freedom and conceit and their general meaning can show themselves in actual efficacy and enjoy the satisfaction of having influence.

The division of Constitutions into Democracy, Aristocracy, and Monarchy indicates most accurately their difference in relation to administration. They must be regarded, at the same time, as necessary forms in the course of development, consequently in the history of the State. It is, for this reason, superficial and foolish to represent them as objects of choice. The pure forms of their necessity are connected partly, so far as they are finite and transitory, with forms of their degeneration, mobocracy, etc., partly with earlier forms of development-neither of which is to be confounded with those true forms. Thus, because of the common fact that the will of one individual stands at the head of the State, Oriental Despotism is included under the vague term Monarchy, as is also Feudal Monarchy, to which latter, indeed, the favourite title of Constitutional Monarchy cannot be denied. The real distinction of these forms from the true Monarchy rests in the content of the valid principles of law, which have their reality and guaranty in the administration. These principles are those developed in previous spheres, of the freedom of property and of personal freedom, of civil society, its industry and religious bodies, and the regulated, lawful operation of the special authorities.

The question which attracts most attention is as to the sense in which the participation of private persons in State affairs is to be

conceived. For as private persons the members of Assemblies or Parliaments are, in the first place, to be considered, they appear as individuals for themselves, or serve as representatives of many, or of the people. It is customary to call the aggregate of private persons the people; as such an aggregate, however, it is vulgus, not populus; and, in reference to this, it is the chief object of the State not to let a people, as such an aggregate, come to existence, to power, and control. Such a condition of a people is the condition of injustice, immorality, unreason in general; the people would be, in such a condition, only a deformed, wild, blind power, like that of the agitated, elemental sea, which still does not destroy itself, as the people, or a spiritual element, would do. We have often heard such a condition represented as that of true Freedom. In order that a people have understanding, that it be admitted to the question of the participation of private persons in universal affairs, the unreasonable must not be presupposed, but an already organized people—i. e., one in which an administration exists. The interest of such participation, however, is to be placed neither in the superiority of special insight which the private persons possess above the State officials—the contrary is necessarily the case—nor in superiority of the good-will for what is universally best: the members of Civil Society are much rather such as make their particular interest and (as especially in the feudal condition) the interest of their privileged corporation their regular business. Consider England, for instance. Its Constitution is regarded the freest, because private persons have a preponderating participation in State affairs; but experience shows that that country, in civil and criminal legislation, in the right and freedom of property, in institutions for art and science, etc., is, compared with the other civilized States of Europe, the farthest behind, and objective freedom-i. e., reasonable right-is much more sacrificed to formal Freedom and particular private interest (this even in the institutions and possessions said to be devoted to Religion). The interest of a participation of private persons in public affairs lies partly in the concreter and, therefore, more pressing sense of universal needs, essentially, however, in the right that the common Spirit also attain the appearance of an externally universal Will in an orderly and express influence in public affairs, and, through this satisfaction, receive inspiration for itself, such as sways the administrative authorities, to whose consciousness it is thus ever kept present, that, while they have strictly to exact duties, they have just as essentially to respect rights. The citizens are in the State the disproportionately greater mass, and a mass of such as are acknowledged as persons. The existence of the willing Reason is, therefore, represented in them as plurality of the free or as universality of reflection, to which reality is guaranteed by participation in the State power. It has, however, already been noticed, as a moment of Civil Society, that the individuals raise themselves from the external to the substantial universality—i. e., as particular species—ranks; and it is not in the inorganic form of individuals as such (by the democratic mode of choice), but as organic moments, as ranks, that they enter into that participation; a power or activity in the State must never appear and act in shapeless, inorganic form—i. e., from the principle of multitude and mass.

For this reason Parliaments have wrongly been described as the law-giving power, since they constitute only one branch of that power, in which the special administrative authorities essentially participate and the princely authority has the absolute power of final decision. Legislation, moreover, in a civilized State, can only be a perfecting of the existing laws, and so-called new laws can only be extremes of detail and particulars, whose content has already been prepared, or, indeed, previously settled, by the practice of the courts. The so-called Financial Law, so far as it comes to the joint determination of the various ranks, is essentially an affair of the government; it is called a law only figuratively, in the general sense that it covers a wide, indeed, the entire, extent of the external means of government. The finances concern, if indeed the entire State, still, according to their nature, only the particular, varying needs, which are ever producing themselves anew. Were the chief component—that of need-viewed as a constant element—as it indeed is—the provision for it would have more the nature of a law; but, in order to be a law, it would have to be given once for all, and not yearly, or every few years, anew. That which varies according to time and circumstances concerns, in fact, the smallest part of the sum total, and the provision for it has so much the less the character of a law;

<sup>1</sup> In previous sections of the "Philosophy of Spirit."

and yet it is and can be only this unimportant, variable part which is disputable and can be subjected to a variable, yearly determination, which, therefore, falsely bears the high-sounding title of the Granting of the Budget-i. e., of the whole of the A law given yearly and for one year is clearly incongruous, even to the common sense, which distinguishes the in-andfor-self universal, as the content of a true law, from a universal of reflection, which only outwardly covers what, according to its nature, is a manifold. The title of a law for the yearly settlement of the financial needs only serves, in the presupposed separation of the legislative from the administrative power, to support the delusion that this separation really exists, and to conceal the fact that the legislative power really has to do with government affairs proper, since it settles concerning the finances. The interest. however, which is attached to the power of ever fixing anew the financial conditions, viz., that the Parliament possesses in this a means of coercing the government, and thus a guaranty against injustice and violence—this interest is, on the one hand, a superficial illusion, since the ordering of the finances necessary for the existences of the State cannot be conditioned by any other circumstances whatever, nor the existence of the State be placed in yearly doubt; as little as the government could allow and arrange the administration of justice, for instance, always for a limited time only, in order, by the threat of suspending the working of such an institution, and by the fear of a resulting condition of violence, to keep to itself a means of coercing private persons. On the other hand, however, ideas of a relation in which it could be useful and necessary to have means of coercion at hand rest partly on the false conception of a contract between government and people, partly presuppose the possibility of such a divergence of the minds of the two as would make it impossible to think further of Constitution and Government at all. If one places before one's self the bare possibility of helping things through such coercive means as existing—such help were much rather the ruin and dissolution of the State, in which there would be no longer government, but only parties, and for which force and the suppression of one party by the other would be the only remedy. The regulation of the State as a mere Constitution of the understanding-i.e., as the mechanism of a balance of powers

mutually exclusive internally—is opposed to the ground idea of that which constitutes a State.

545. The State has finally the side of the immediate reality of a particular and naturally limited people. As particular individual its position towards other individuals of the same kind is exclusive. In their relation to each other arbitrariness and casualty find place, since the universal of the law, on account of the autonomic totality of these persons, is only an ideal between them, which really is not. This independence makes the strife between them a relation of force, a condition of war, for which the nobility determines itself to the special work of maintaining the independence of the State—i. e., to bravery.

546. This condition shows the substance of the State in its individuality proceeding to abstract negativity, as the power in which the particular independence of the individuals and the condition of their submersion in the external existence of property and in the natural life is felt as a nullity, and which effects the maintenance of the universal substance through the sacrifice of this natural and particular existence, which occurs in the feeling of the same, through the bringing to naught of interfering trifles.

### THE HERO AS ARTIST.

#### BY GERTRUDE GARRIGUES.

"Man's strength lies in resigned obedience to God." In resigned obedience! This resignation which, in its essence, is the only escape from the bonds of necessity; which is, in fact, victory over necessity; and hence freedom is the content of the Christian religion, Christian philosophy, and Christian art. In it is involved the regeneration of man, that new-birth, which is in reality a life-long process from natural to spiritual life. The individual who, in his own person, attains this freedom, and who has the ability to, and does, either in his works or through his life, communicate the process, is a world benefactor, a world-great hero and he possesses an inalienable right to the worship of his fellowman. In this sense we can point to many heroes of religion, and